

ESTTA Tracking number: **ESTTA532264**

Filing date: **04/15/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Gucci America, Inc.
Granted to Date of previous extension	04/14/2013
Address	685 Fifth Avenue New York, NY 10022 UNITED STATES
Attorney information	Andrea L. Calvaruso Kelley Drye & Warren LLP 101 Park Avenue New York, NY 10178 UNITED STATES acalvaruso@kelleydrye.com, agaven@kelleydrye.com, trademarks@kelleydrye.com Phone:212-808-7542

Applicant Information

Application No	79108876	Publication date	10/16/2012
Opposition Filing Date	04/15/2013	Opposition Period Ends	04/14/2013
International Registration No.	1106013	International Registration Date	06/17/2011
Applicant	Gerry Weber International AG Neulehenstrasse 8 33790 Halle GERMANY		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Perfumery, cosmetics, deodorants for personal use, soaps, shampoos, hair lotions, after-shave lotions, cosmetic sun-tanning preparations
Class 008. All goods and services in the class are opposed, namely: Razors, razor cases, razor blades, shaving cases, abrading instruments; nail files, nail scissors, individually and combined in sets, tweezers, cooking and kitchen knives, scissors, manicure sets; cutlery, forks and spoons, also made of precious metal as well as silver plated; feeding cutlery and children's cutlery
Class 009. All goods and services in the class are opposed, namely: Spectacles, sunglasses, spectacle frames and spectacle cases
Class 011. All goods and services in the class are opposed, namely: Electric lamps, lamp shades, lamp shade holders, sockets for electric lights, hanging devices for lamps; electric torches for lighting; bed

warmers; electric blankets not for medical purposes; hot water bottles
<p>Class 014.</p> <p>All goods and services in the class are opposed, namely: Jewelry, clocks and watches, watch bands</p>
<p>Class 016.</p> <p>All goods and services in the class are opposed, namely: Paper, cardboard; boxes and containers made of paper and cardboard; printed matter, namely, pamphlets, brochures and newsletters in the field of fashion and lifestyle; photographs, stationery, packaging material made of paper or plastics, namely, wrapping paper and plastic wrap; albums for photographs and stamps; calendars, note books, pen cases, seals and sealing wax, ink stamps and inking pads, writing paper, books in the field of fashion and lifestyle, newspapers; printed periodicals in the field of fashion and lifestyle, magazines in the field of fashion and lifestyle, office requisites, namely, desk pads, calendar desk pads, paperweights and letter openers</p>
<p>Class 018.</p> <p>All goods and services in the class are opposed, namely: Goods made of leather and imitations of leather, namely, wallets, billfolds, briefcases, business card cases, calling card cases, credit card cases, non-motorized collapsible luggage carts, document cases, keycases, overnight cases, wallet cases, cosmetic cases sold empty, toiletry cases sold empty, vanity cases sold empty, change purses, clutch purses, clutches, coin purses, drawstring pouches, felt pouches, handbags, straps for handbags, luggage, straps for luggage, briefcase-type portfolios, purses, walking sticks, harness straps, straps, luggage tags, valises, waist packs, suitcases, and bags, namely, all-purpose carrying bags, backpacks, shoulder-bags, and rucksacks; trunks and travelling bags, umbrellas and parasols</p>
<p>Class 020.</p> <p>All goods and services in the class are opposed, namely: Furniture; mirrors; mirror frames, picture frames and bed frames; works of art of wood, plaster, plastic or wax; cases of wood or plastic; paintings of wood or plastic; picture frames; coat hangers and clothes hooks, not of metal; tailors' dummies and coat stands; curtain rods, curtain hooks and rings; wardrobes for covering clothing; mattresses; air mattresses and air cushions for use when camping; sleeping bags for sport and camping; corks for bottles; closures for bottles and stoppers not of metal; room dividers; window blinds of wood or bamboo; wickerwork, namely, wicker furniture; high chairs for children; safety closures and safety devices for furniture, in particular drawer locking devices, drawer stoppers, corner protectors, door stoppers, window safety devices and refrigerator safety devices, the aforementioned goods not of metal</p>
<p>Class 021.</p> <p>All goods and services in the class are opposed, namely: Shaving brushes; clothing stretchers; brushes, in particular for the cleaning of clothing articles and shoes as well as for cosmetic purposes; flasks, beverage glassware, non-electric trouser presses, trouser stretchers, insulating flasks, insulated containers for beverages, insulated containers for food, combs, comb cases, cork screws, tie presses, picnic baskets sold empty, polishing gloves, polishing leather, shaving brush holder, basting spoons for kitchen use, shoe horns, shoe trees, soap dispensers, boot jacks, drinking vessels, drinking glasses, toothbrushes</p>
<p>Class 024.</p> <p>All goods and services in the class are opposed, namely: Woven materials and textiles for home and commercial interiors and for the manufacture of clothing; knitted fabric; bed blankets; bed linen; and bed clothes, namely, bed covers, bed sheets, bed skirts, fitted and flat sheets, pillow covers, shams and comforters; covers for cushions, table cloths, table runners and table linen, not of paper; sleeping bags in the nature of sheeting; curtains of textiles or plastics; curtains; textile used as lining for clothing; textile fabrics for home interiors; unfitted furniture covers of plastic or textiles; unfitted protective coverings for furniture not of paper; place mats not of paper; bed covers, travelling rugs in the nature of lap robes; towels of textile, table napkins of textile, handkerchiefs of textile</p>
<p>Class 025.</p> <p>All goods and services in the class are opposed, namely: Clothing, namely, women's blouses, skirts, jackets, trousers, coats, dresses, women's suits, t-shirts, polo-shirts, pullovers, cardigans, blazers, cloaks, vests, jeans, leggings, belts, scarves; footwear; headgear, namely, hats and caps</p>
<p>Class 028.</p> <p>All goods and services in the class are opposed, namely: Golf bags, golf gloves, billiard balls, billiard cues, billiard tables, board games, parlor games, golf clubs, golf bags, with or without wheels, card games, Nordic walking sticks, chess games, skis, snowboards, bags especially adapted for sport</p>

articles; tennis rackets

Class 035.

All goods and services in the class are opposed, namely: Retail store services, wholesale store services, and television home shopping services featuring the following goods: cleaning, polishing, degreasing and abrasive substances; soaps; perfumery goods, essential oils, cosmetics, deodorants for personal use, soaps, shampoos, hair lotions; toothpaste; aftershave, cosmetic sun tanning preparations; razor cases, razors, razor blades, shaving cases, abrading instruments; nail files, nail scissors, individually and combined in sets, tweezers, knives, scissors, manicure sets; cutlery, forks and spoons, also made of precious metal as well as silver plated; feeding cutlery and children's cutlery; hand tools and instruments; scientific, nautical, surveying, photographic, film, optical, weighing, measuring, signaling, regulating, life-saving and teaching apparatus and instruments; apparatus and instruments to conduct, switch, transform, accumulate, regulate and control electricity; apparatus for the recording, transmission and reproduction of sound and pictures; magnetic recordal carriers; records; automatic distribution machines; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing apparatus and computers; fire extinguishers; lighting apparatus, electric lamps, lamp shades, lamp shade holders, sockets for electric lights, hanging devices for lamps; sanitary apparatus and installations; torches; bed warmers; electric blankets; hot water bottles; jewelry and precious stones; watches and chronometrical instruments; paper, cardboard and goods made of these materials, printed matter, photographs, stationery, packaging material made of paper or plastics, albums, calendars, note books, pen cases, seals and sealing wax, stamps and inking pads, writing paper, books, newspapers and periodicals, magazines, office requisites, except furniture; leather and imitations of leather and goods made of these materials; skins and furs; travelling trunks and suitcases; umbrellas, parasols and walking sticks; whips, harnesses and saddlery; furniture, mirrors, frames; works of art of wood, plaster, plastic or wax; cases of wood or plastic; paintings of wood or plastic; jewelry cases not of precious metal; picture frames; coat hangers and clothes hooks, not of metal; tailors' dummies and coat stands; curtain rods, curtain hooks and rings; wardrobes for covering clothing; mattresses, air mattresses and air cushions, each not for medical purposes; sleeping bags for sport and camping; corks for bottles and closures for bottles and stoppers not of metal; room dividers; window blinds of wood or bamboo; wickerwork; high chairs for children; safety closures and safety devices for furniture, in particular drawer locking devices, drawer stoppers, corner protectors, door stoppers, socket protection devices, window safety devices and refrigerator safety devices, the aforementioned goods not of metal; shaving brushes; clothing stretchers; brushes, in particular for the cleaning of clothing articles and shoes as well as for cosmetic purposes; flasks, glassware, trouser presses, trouser stretchers, insulating flasks, insulated containers for beverages, insulated containers for food, combs, comb cases, cork screws, tie presses, picnic baskets, polishing gloves, polishing leather, shaving brush holder, basting spoons for kitchen use, shoe horns, shoe trees, soap dispensers, boot jacks, drinking vessels, drinking glasses, toothbrushes; materials, woven materials and textiles, knitted fabric; bed blankets, bed linen and bed clothes; covers for cushions, table cloths, table runners and table linen not of paper; sleeping bags in the nature of sheeting; curtains of textiles or plastics; curtains; linings; home textiles; furniture covers or covers of plastic or textiles; protective coverings for furniture; place settings, not of paper; bed covers, travelling rugs in the nature of lap robes; towels of textile, napkins of textile, handkerchiefs of textile; clothing articles, footwear, headgear; games, gymnastics and sport articles, golf clubs, golf bags, golf gloves, billiard balls, billiard cues, billiard tables, board games, parlor games, golf clubs, golf bags, with or without wheels, card games, Nordic walking sticks, chess games, skis, snowboards, bags especially adapted for sport articles; tennis rackets; online and catalogue mail-order services in the aforementioned fields; commercial administration of the licensing of the goods and services of others; advertising, namely, promotion of products and services of third parties through sponsoring arrangements relating to sporting and fashion events, organizing and running of fashion shows for advertising and sales purposes, organizing and running of exhibitions and trade fairs, including in house exhibitions and trade fairs, for commercial and advertising purposes

Class 036.

All goods and services in the class are opposed, namely: Financial consultancy and sponsorship, in particular in the film sector; franchising services, namely, providing financial information and advice regarding the establishment and/or operation of clothing stores, general merchandise stores, furniture stores and online stores; services of a property developer, namely financial preparation of building projects; financial and real estate services, namely, real estate acquisition services, real estate investment services, real estate brokerage, financial consulting in the field of real estate brokerage, financing of real estate development projects; issue of tokens of value

Class 039.

All goods and services in the class are opposed, namely: Packaging services, namely, packaging of clothing and textiles to the order and specification of others; storage of goods; transport of people and goods, in particular with motor vehicles, rail vehicles, ships and airplanes; arranging, booking and procuring tours, excursions and cruises; arranging of transport services, namely, local, interstate and international transportation of clothing and textiles; arranging, booking and procuring of tours, day trips and city trips; travel advice and escorting of travelers; parcel and goods delivery; organization of tours, holidays and sightseeing tours; services of a travel agent, in particular consultation and booking of tours, information on tours as well as procurement of traffic services and tours; delivery, sending and supply of newspapers and magazines

Class 041.

All goods and services in the class are opposed, namely: Sports and cultural activities, namely, arranging of soccer games, tennis matches and fashion shows; entertainment in the nature of theater productions; presentation of live show performances, party planning, organization of sports competitions; providing on-line electronic publications, not downloadable, in the nature of an online magazine in the field of fashion and lifestyle; modeling for artists; film and television show production; publication of electronic media, in particular CDs and DVDs featuring music, motion pictures and videos in the field of fashion and lifestyle; production and reproduction of data, speech, text, sound and image recordings on machine-readable data carriers, in particular video tapes, CDs and DVDs featuring music, motion pictures and videos in the field of fashion and lifestyle; production of video and computer game software; rental of cinematographic, video and television films; presentation of cinematographic, video and television films; publication of books, newspapers and magazines; production of cartoon films

Class 042.

All goods and services in the class are opposed, namely: Design and creation of homepages and Internet sites; services of a graphic designer; graphic arts designing; services of a fashion designer; computer graphics services, namely, digital image editing; material testing with textiles; quality control for others

Class 045.

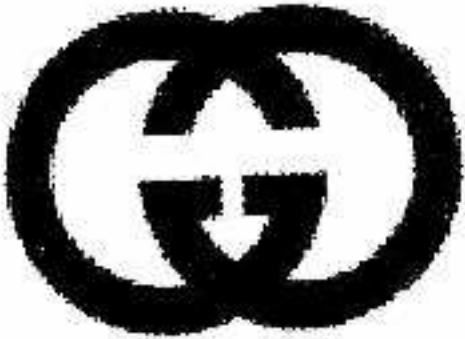
All goods and services in the class are opposed, namely: Licensing for franchising concepts; licensing of computer software; licensing of intellectual property and copyrights, in particular of trademark rights; trade with film, television and video licenses, namely, licensing of films, television shows, and videos; copyright management; rental of clothing and costumes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3391739	Application Date	08/30/2007
Registration Date	03/04/2008	Foreign Priority Date	NONE
Word Mark	GG		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2006/11/00 First Use In Commerce: 2006/11/00 Eyeglass frames and sunglasses


U.S. Registration No.	3376129	Application Date	09/13/2006
Registration Date	01/29/2008	Foreign Priority Date	NONE
Word Mark	GG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 2006/06/00 First Use In Commerce: 2006/06/00 key rings made of metal, metal key rings covered in leather, and metal key rings partially covered with enamel Class 018. First use: First Use: 1976/02/00 First Use In Commerce: 1976/02/00 Wallets, purses, handbags, shoulder bags, clutch bags, tote bags, business card cases, credit card cases, partly and wholly of leather, key cases, cosmetic cases sold empty, briefcases, attaché cases, valises, suitcases and duffles		


U.S. Registration No.	1158170	Application Date	08/16/1978
Registration Date	06/23/1981	Foreign Priority Date	NONE
Word Mark	GG		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1976/02/00 First Use In Commerce: 1976/04/00 Clothing-Namely, Neckties, Scarves, Belts, Footwear, Shirts, [Sweaters,] Coats,[Suits, Dressing Gowns,] Hats, [Socks,] Dresses, and Bathing Suits


U.S. Registration No.	1464522	Application Date	12/15/1986
Registration Date	11/10/1987	Foreign Priority Date	NONE
Word Mark	GG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1976/03/00 First Use In Commerce: 1976/03/00 WATCHES, CUFFLINKS, MADE OR COATED WITH PRECIOUS METAL, BRACELETS, PENDANTS, EARRINGS, MADE OR COATED WITH PRECIOUS METALS, RINGS, AND NECKLACES		


U.S. Registration No.	3470140	Application Date	09/15/2006
Registration Date	07/22/2008	Foreign Priority Date	NONE
Word Mark	GG		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 006. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 metal key rings Class 014. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Jewelry, namely, earrings, pendants, rings, necklaces and watches; key rings of precious metal Class 025. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Apparel, namely, neckties, scarves, shirts, sweaters, coats, hats, dressing gowns, socks, dresses, bathing suits, and gloves


U.S. Registration No.	3039631	Application Date	11/17/2004
Registration Date	01/10/2006	Foreign Priority Date	NONE
Word Mark	GG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 eyeglass frames and sunglasses		


U.S. Registration No.	3039630	Application Date	11/17/2004
Registration Date	01/10/2006	Foreign Priority Date	NONE
Word Mark	GG		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 wallets, purses, handbags, tote bags, business card cases, credit card cases and key cases, partly or wholly of leather


U.S. Registration No.	3039629	Application Date	11/17/2004
Registration Date	01/10/2006	Foreign Priority Date	NONE
Word Mark	GG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 footwear and belts		

U.S. Registration No.	4259044	Application Date	12/08/2011
Registration Date	12/11/2012	Foreign Priority Date	NONE
Word Mark	GG		

Design Mark	
Description of Mark	The mark consists of the interlocking stylized letters "GG".
Goods/Services	Class 012. First use: First Use: 2011/11/00 First Use In Commerce: 2011/11/00 Automobiles

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Design Mark			
Goods/Services	home products; fragrances and cosmetic products; personal care goods and accessories; personal office products; sporting goods and related products; books; automobiles, boat and bicycles; mobile software applications; production and publication of electronic media; retail store services; charitable fundraising services and promotions; sponsorship of sporting events; cultural activities, fashion shows and other entertainment events		

U.S. Application/ Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Design Mark	
Goods/Services	home products; fragrances and cosmetic products; personal care goods and accessories; personal office products; sporting goods and related products; books; automobiles, boat and bicycles; mobile software applications; production and publication of electronic media; retail store services; charitable fundraising services and promotions; sponsorship of sporting events; cultural activities, fashion shows and other entertainment events

Attachments	77267948#TMSN.jpeg (1 page)(bytes) 78973795#TMSN.jpeg (1 page)(bytes) 73182270#TMSN.gif (1 page)(bytes) 73635535#TMSN.gif (1 page)(bytes) 77000202#TMSN.jpeg (1 page)(bytes) 76621231#TMSN.gif (1 page)(bytes) 76621230#TMSN.gif (1 page)(bytes) 76621229#TMSN.gif (1 page)(bytes) 85490577#TMSN.jpeg (1 page)(bytes) GG Interlocking A.jpg GG Interlocking B.jpg Notice of Opposition.pdf (15 pages)(422028 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Andrea L. Calvaruso/
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Name	Andrea L. Calvaruso
Date	04/15/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE MATTER OF TRADEMARK APPLICATION
U.S. SERIAL NO. 79/108,876 (IR Registration No. 11060130)
PUBLISHED IN THE OFFICIAL GAZETTE ON OCTOBER 16, 2012



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GUCCI AMERICA, INC. :

Opposer, :


v. : OPPOSITION NO.

GERRY WEBER INTERNATIONAL AG :

Applicant. :
-----X

NOTICE OF OPPOSITION

Gucci America, Inc. ("Opposer" or "Gucci") is a corporation organized under the laws of New York with a principal place of business at 685 Fifth Avenue, New York, New York 10022.

Opposer believes it will be damaged by the registration of the mark  (herein "Weber

Design”) for the following goods and services, which constitute all of the goods and services covered by the Application (as defined below):

“perfumery, cosmetics, deodorants for personal use, soaps, shampoos, hair lotions, after-shave lotions, cosmetic sun-tanning preparations” in Class 3,

“razors, razor cases, razor blades, shaving cases, abrading instruments; nail files, nail scissors, individually and combined in sets, tweezers, cooking and kitchen knives, scissors, manicure sets; cutlery, forks and spoons, also made of precious metal as well as silver plated; feeding cutlery and children’s cutlery” in Class 8,

“spectacles, sunglasses, spectacle frames and spectacle cases” in Class 9,

“electric lamps, lamp shades, lamp shade holders, sockets for electric lights, hanging devices for lamps; electric torches for lighting; bed warmers; electric blankets not for medical purposes; hot water bottles” in Class 11,

“jewelry, clocks and watches, watch bands” in Class 14,

“paper, cardboard; boxes and containers made of paper and cardboard; printed matter, namely, pamphlets, brochures and newsletters in the field of fashion and lifestyle; photographs, stationery, packaging material made of paper or plastics, namely, wrapping paper and plastic wrap; albums for photographs and stamps; calendars, note books, pen cases, seals and sealing wax, ink stamps and inking pads, writing paper, books in the field of fashion and lifestyle, newspapers; printed periodicals in the field of fashion and lifestyle, magazines in the field of fashion and lifestyle, office requisites, namely, desk pads, calendar desk pads, paperweights and letter openers” in Class 16,

“goods made of leather and imitations of leather, namely, wallets, billfolds, briefcases, business card cases, calling card cases, credit card cases, non-motorized collapsible luggage carts, document cases, keycases, overnight cases, wallet cases, cosmetic cases sold empty, toiletry cases sold empty, vanity cases sold empty, change purses, clutch purses, clutches, coin purses, drawstring

pouches, felt pouches, handbags, straps for handbags, luggage, straps for luggage, briefcase-type portfolios, purses, walking sticks, harness straps, straps, luggage tags, valises, waist packs, suitcases, and bags, namely, all-purpose carrying bags, backpacks, shoulder-bags, and rucksacks; trunks and travelling bags, umbrellas and parasols” in Class 18,

“furniture; mirrors; mirror frames, picture frames and bed frames; works of art of wood, plaster, plastic or wax; cases of wood or plastic; paintings of wood or plastic; picture frames; coat hangers and clothes hooks, not of metal; tailors’ dummies and coat stands; curtain rods, curtain hooks and rings; wardrobes for covering clothing; mattresses; air mattresses and air cushions for use when camping; sleeping bags for sport and camping; corks for bottles; closures for bottles and stoppers not of metal; room dividers; window blinds of wood or bamboo; wickerwork, namely, wicker furniture; high chairs for children; safety closures and safety devices for furniture, in particular drawer locking devices, drawer stoppers, corner protectors, door stoppers, window safety devices and refrigerator safety devices, the aforementioned goods not of metal” in Class 20,

“shaving brushes; clothing stretchers; brushes, in particular for the cleaning of clothing articles and shoes as well as for cosmetic purposes; flasks, beverage glassware, non-electric trouser presses, trouser stretchers, insulating flasks, insulated containers for beverages, insulated containers for food, combs, comb cases, cork screws, tie presses, picnic baskets sold empty, polishing gloves, polishing leather, shaving brush holder, basting spoons for kitchen use, shoe horns, shoe trees, soap dispensers, boot jacks, drinking vessels, drinking glasses, toothbrushes” in Class 21,

“woven materials and textiles for home and commercial interiors and for the manufacture of clothing; knitted fabric; bed blankets; bed linen; and bed clothes, namely, bed covers, bed sheets, bed skirts, fitted and flat sheets, pillow covers, shams and comforters; covers for cushions, table cloths, table runners and table linen, not of paper; sleeping bags in the nature of sheeting; curtains of textiles or plastics; curtains; textile used as lining for clothing; textile fabrics for home interiors; unfitted furniture covers of plastic or textiles; unfitted protective coverings for furniture not of paper; place mats not of paper; bed covers, travelling rugs in the nature of lap robes; towels of textile, table napkins of textile, handkerchiefs of textile” in Class 24,

“clothing, namely, women’s blouses, skirts, jackets, trousers, coats, dresses, women’s suits, t-shirts, polo-shirts, pullovers, cardigans, blazers, cloaks, vests,

jeans, leggings, belts, scarves; footwear; headgear, namely, hats and caps” in Class 25,

“golf bags, golf gloves, billiard balls, billiard cues, billiard tables, board games, parlor games, golf clubs, golf bags, with or without wheels, card games, Nordic walking sticks, chess games, skis, snowboards, bags especially adapted for sport articles; tennis rackets” in Class 28,

“retail store services, wholesale store services, and television home shopping services featuring the following goods: cleaning, polishing, degreasing and abrasive substances; soaps; perfumery goods, essential oils, cosmetics, deodorants for personal use, soaps, shampoos, hair lotions; toothpaste; aftershave, cosmetic sun tanning preparations; razor cases, razors, razor blades, shaving cases, abrading instruments; nail files, nail scissors, individually and combined in sets, tweezers, knives, scissors, manicure sets; cutlery, forks and spoons, also made of precious metal as well as silver plated; feeding cutlery and children's cutlery; hand tools and instruments; scientific, nautical, surveying, photographic, film, optical, weighing, measuring, signaling, regulating, life-saving and teaching apparatus and instruments; apparatus and instruments to conduct, switch, transform, accumulate, regulate and control electricity; apparatus for the recording, transmission and reproduction of sound and pictures; magnetic recordal carriers; records; automatic distribution machines; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing apparatus and computers; fire extinguishers; lighting apparatus, electric lamps, lamp shades, lamp shade holders, sockets for electric lights, hanging devices for lamps; sanitary apparatus and installations; torches; bed warmers; electric blankets; hot water bottles; jewelry and precious stones; watches and chronometrical instruments; paper, cardboard and goods made of these materials, printed matter, photographs, stationery, packaging material made of paper or plastics, albums, calendars, note books, pen cases, seals and sealing wax, stamps and inking pads, writing paper, books, newspapers and periodicals, magazines, office requisites, except furniture; leather and imitations of leather and goods made of these materials; skins and furs; travelling trunks and suitcases; umbrellas, parasols and walking sticks; whips, harnesses and saddlery; furniture, mirrors, frames; works of art of wood, plaster, plastic or wax; cases of wood or plastic; paintings of wood or plastic; jewelry cases not of precious metal; picture frames; coat hangers and clothes hooks, not of metal; tailors' dummies and coat stands; curtain rods, curtain hooks and rings; wardrobes for covering clothing; mattresses, air mattresses and air cushions, each not for medical purposes; sleeping bags for sport and camping; corks for bottles and closures for bottles and stoppers not of metal; room dividers; window blinds of wood or bamboo; wickerwork; high chairs for children; safety closures and safety devices for furniture, in particular drawer locking devices, drawer stoppers, corner protectors, door stoppers, socket protection devices,

window safety devices and refrigerator safety devices, the aforementioned goods not of metal; shaving brushes; clothing stretchers; brushes, in particular for the cleaning of clothing articles and shoes as well as for cosmetic purposes; flasks, glassware, trouser presses, trouser stretchers, insulating flasks, insulated containers for beverages, insulated containers for food, combs, comb cases, cork screws, tie presses, picnic baskets, polishing gloves, polishing leather, shaving brush holder, basting spoons for kitchen use, shoe horns, shoe trees, soap dispensers, boot jacks, drinking vessels, drinking glasses, toothbrushes; materials, woven materials and textiles, knitted fabric; bed blankets, bed linen and bed clothes; covers for cushions, table cloths, table runners and table linen not of paper; sleeping bags in the nature of sheeting; curtains of textiles or plastics; curtains; linings; home textiles; furniture covers or covers of plastic or textiles; protective coverings for furniture; place settings, not of paper; bed covers, travelling rugs in the nature of lap robes; towels of textile, napkins of textile, handkerchiefs of textile; clothing articles, footwear, headgear; games, gymnastics and sport articles, golf bags, golf gloves, billiard balls, billiard cues, billiard tables, board games, parlor games, golf clubs, golf bags, with or without wheels, card games, Nordic walking sticks, chess games, skis, snowboards, bags especially adapted for sport articles; tennis rackets; online and catalogue mail-order services in the aforementioned fields; commercial administration of the licensing of the goods and services of others; advertising, namely, promotion of products and services of third parties through sponsoring arrangements relating to sporting and fashion events, organizing and running of fashion shows for advertising and sales purposes, organizing and running of exhibitions and trade fairs, including in house exhibitions and trade fairs, for commercial and advertising purposes” in Class 35,

“financial consultancy and sponsorship, in particular in the film sector; franchising services, namely, providing financial information and advice regarding the establishment and/or operation of clothing stores, general merchandise stores, furniture stores and online stores; services of a property developer, namely financial preparation of building projects; financial and real estate services, namely, real estate acquisition services, real estate investment services, real estate brokerage, financial consulting in the field of real estate brokerage, financing of real estate development projects; issue of tokens of value” in Class 36,

“packaging services, namely, packaging of clothing and textiles to the order and specification of others; storage of goods; transport of people and goods, in particular with motor vehicles, rail vehicles, ships and airplanes; arranging, booking and procuring tours, excursions and cruises; arranging of transport services, namely, local, interstate and international transportation of clothing and textiles; arranging, booking and procuring of tours, day trips and city trips; travel

advice and escorting of travelers; parcel and goods delivery; organization of tours, holidays and sightseeing tours; services of a travel agent, in particular consultation and booking of tours, information on tours as well as procurement of traffic services and tours; delivery, sending and supply of newspapers and magazines” in Class 39,

“sports and cultural activities, namely, arranging of soccer games, tennis matches and fashion shows; entertainment in the nature of theater productions; presentation of live show performances, party planning, organization of sports competitions; providing on-line electronic publications, not downloadable, in the nature of an online magazine in the field of fashion and lifestyle; modeling for artists; film and television show production; publication of electronic media, in particular CDs and DVDs featuring music, motion pictures and videos in the field of fashion and lifestyle; production and reproduction of data, speech, text, sound and image recordings on machine-readable data carriers, in particular video tapes, CDs and DVDs featuring music, motion pictures and videos in the field of fashion and lifestyle; production of video and computer game software; rental of cinematographic, video and television films; presentation of cinematographic, video and television films; publication of books, newspapers and magazines; production of cartoon films” in Class 41,

“design and creation of homepages and Internet sites; services of a graphic designer; graphic arts designing; services of a fashion designer; computer graphics services, namely, digital image editing; material testing with textiles; quality control for others” in Class 42, and

“licensing for franchising concepts; licensing of computer software; licensing of intellectual property and copyrights, in particular of trademark rights; trade with film, television and video licenses, namely, licensing of films, television shows, and videos; copyright management; rental of clothing and costumes” in Class 45

(collectively, “Applicant’s Goods and Services”) covered by the above-identified application (the “Application”) and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer and its predecessors in interest have used the GUCCI mark and related iconic design marks in the United States for many decades in connection with the promotion and sale of: jewelry and watches; fine apparel; shoes; bags; accessories; various categories of home products; fragrances and cosmetic products; personal care goods and accessories; sunglasses and eyewear; personal office products; sporting goods and related products; books; automobiles, boats and bicycles; mobile software applications; production and publication of electronic media; retail store services; charitable fundraising services and promotions; sponsorship of sporting events, cultural activities, fashion shows, and other entertainment events; and many other categories of luxury goods and services (collectively, “Gucci Products”).

2. Opposer is the sole owner in the U.S. of the GUCCI mark and related iconic design marks, and distributes goods and services bearing Opposer’s Marks in the United States.

3. Since as early as the 1920’s, the Gucci brand has used the initials of its founder, Guccio Gucci, to identify the brand and its high quality products. Over time, the Gucci brand has made extensive and substantially exclusive use of various fanciful and distinctive marks including the initials “GG” in connection with the promotion and sale of the Gucci Products in the U.S. and worldwide. Therefore, among the iconic design marks which have been associated exclusively with the Gucci brand for many decades are a family of fanciful and distinctive marks which share a common commercial impression and which each consist of a design including two letter G’s facing and/or overlapping with each other (collectively, the “GG Marks”).

4. All or many of the GG Marks were used and promoted in such a way as to create a public perception of the family of the GG Marks as an indicator of source prior to Applicant’s

adoption of the Weber Design and its filing the Application. Opposer owns all rights in the GG Marks in the U.S.

5. Among the GG Marks owned by Opposer are the GG Interlocking Facing Mark:



and the and GG Interlocking Inverted Facing Mark:



, each of which

Opposer uses and has used in connection with the promotion and sale of the Gucci Products in the U.S. since prior to Applicant's first adoption or use of the Weber Design in the U.S., and before Applicant filed the Application which is the subject of this Opposition.

6. Opposer has dedicated substantial amounts of money and other resources in connection with the promotion of the GG Interlocking Marks (hereinafter defined) and Gucci Products. For example, since their first use in the U.S., the GG Interlocking Marks and products bearing the marks are and have been the subject of extensive advertising and promotional campaigns in print publications, television advertisements, internet advertising, and other promotions reaching nearly every segment of the U.S. consumer.

7. In addition to sale in GUCCI branded brick and mortar retail stores, products bearing the GG Interlocking Marks are promoted and sold online at the Gucci brand's digital flagship store located at www.Gucci.com, and promoted on the Gucci brand's related social media pages such as Facebook, YouTube, Pinterest, Twitter, and others. Products bearing the GG Interlocking Marks are also promoted and sold via authorized high-end retail stores, including but not limited to Neiman Marcus and Saks Fifth Avenue, and associated internet websites such as www.neimanmarcus.com and www.saksfifthavenue.com. The GG Interlocking




Marks and related products have been the subject of extensive unsolicited media and press attention for decades in the U.S. and worldwide.





8. The sale of products bearing the GG Interlocking Marks has generated millions of dollars since Opposer's first promotion and sale of such products in the U.S. many decades ago. As a result of Opposer's substantially exclusive use of the GG Interlocking Marks in the U.S. for decades in connection with products of the highest quality, generating substantial sales, and the extensive promotion and media attention associated with the GG Interlocking Marks and Gucci Products in the U.S., the GG Interlocking Marks are each associated exclusively with Opposer (or an unidentified single source) by the consuming public and each has acquired distinctiveness in connection with the Gucci Products. Opposer's GG Interlocking Marks have each acquired distinctiveness and Opposer acquired common law trademark rights in each of the GG Interlocking Marks in connection with the Gucci Products prior to Applicant's first adoption or use of the Weber Design in the U.S., and before Applicant filed the Application which is the subject of this Opposition.



9. Each of the GG Interlocking Marks is widely recognized by the general consuming public of the U.S. as designations indicating the source of goods or services and each has become famous pursuant to Section 43(c)(2) of the Lanham Act. Such fame in each of the GG Interlocking Marks was achieved long prior to Applicant's adoption or use of the Weber Design which is the subject of the Application and before Applicant filed the Application which is the subject of this Opposition.

10. The GG Interlocking Marks are each also the subject of the following trademark registrations on the Principal Register in the USPTO (collectively referred to herein together

with Opposer's aforementioned common law trademark rights in the marks as the "GG Interlocking Marks"):

Trademark	Registration No./Date	Application Date	Goods/Services	Status
	3,391,739 March 4, 2008	August 30, 2007	(Int'l Class: 9) Eyeglass frames and sunglasses	Valid
	3,376,129 January 29, 2008	September 13, 2006	(Int'l Class: 6) Key rings made of metal, metal key rings covered in leather, and metal key rings partially covered with enamel (Int'l Class: 18) Wallets, purses, handbags, shoulder bags, clutch bags, tote bags, business card cases, credit card cases, partly and wholly of leather, key cases, cosmetic cases sold empty, briefcases, attache cases, valises, suitcases and duffies	Valid
	1,158,170 June 23, 1981	August 16, 1978	(Int'l Class: 25) Clothing-namely, neckties, scarves, belts, footwear, shirts, coats, hats, dresses, and bathing suits	Valid and Incontestable

Trademark	Registration No./Date	Application Date	Goods/Services	Status
	1,464,522 November 10, 1987	December 15, 1986	(Int'l Class: 14) Watches, cufflinks, made or coated with precious metal, bracelets, pendants, earrings, made or coated with precious metals, rings, and necklaces	Valid and Incontestable
	3,470,140 July 22, 2008	September 15, 2006	(Int'l Class: 6) Metal key rings (Int'l Class: 14) Jewelry, namely, earrings, pendants, rings, necklaces and watches; key rings of precious metal (Int'l Class: 25) Apparel, namely, neckties, scarves, shirts, sweaters, coats, hats, dressing gowns, socks, dresses, bathing suits, and gloves	Valid
	3,039,631 January 10, 2006	November 17, 2004	(Int'l Class: 9) Eyeglass frames and sunglasses	Valid and Incontestable
	3,039,630 January 10, 2006	November 17, 2004	(Int'l Class: 18) Wallets, purses, handbags, tote bags, business card cases, credit card cases and key cases, partly or wholly of leather	Valid and Incontestable

Trademark	Registration No./Date	Application Date	Goods/Services	Status
	3,039,629 January 10, 2006	November 17, 2004	(Int'l Class: 25) Footwear and belts	Valid and Incontestable
	4,259,044 December 11, 2012	December 8, 2011	(Int'l Class: 12) Automobiles	Valid

11. The registrations for the GG Interlocking Marks are each valid and subsisting and many have become incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065, as indicated above.

12. Many years after Opposer commenced use of each of its GG Interlocking Marks, Applicant seeks to register the Weber Design based on an International Registration in connection with its intended use of the Weber Design as a trademark in connection with Applicant's Goods and Services.

13. The Application was published in the October 16, 2012 issue of the Official Gazette. Opposer was granted a 90-day extension of time to oppose the Application, until February 13, 2013. On February 11, 2013, Opposer and Applicant consented to a 60-day extension of time to oppose the Application until April 14, 2013, which extension was thereafter granted by the Board.

14. Applicant's Weber Design is confusingly similar in its appearance and commercial impression to each of Opposer's GG Interlocking Marks and to the family of GG

Marks. Applicant seeks to register its Weber Design in connection with goods and services which are identical to or closely related to goods and services promoted and sold by Opposer in connection with the GG Interlocking Marks and family of GG Marks. Upon information and belief, the parties' respective goods and services will be marketed and sold through the same and/or similar channels of trade.

15. Upon information and belief, Applicant filed the Application with full knowledge of Opposer's prior rights in the GG Interlocking Marks and family of GG Marks

16. Applicant's registration and use of the Weber Design is likely to create confusion and deceive purchasers into believing that Applicant's services originate with or are in some way sponsored, endorsed, licensed, associated or otherwise authorized or connected with Opposer. Such confusion would irreparably harm and damage the consuming public and Opposer because, among other reasons, Opposer has no control over the nature or quality of the services provided or any goods and services produced by Applicant under the Weber Design.

17. As the result of the similarity of the Weber Design and each of Opposer's famous GG Interlocking Marks, Applicant's registration and use of the Weber Design is also likely to create an association with each of Opposer's GG Interlocking Marks and is likely to dilute the strength and distinctive character of each of Opposer's famous GG Interlocking Marks as source designations for Opposer's goods and services, causing harm to Opposer.

18. By reason of the foregoing, Opposer will be damaged by the registration of Applicant's Weber Design.

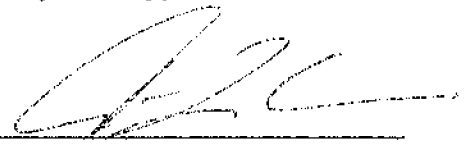
WHEREFORE, for all of the foregoing reasons, Opposer respectfully requests that this Opposition be sustained and that the registration of the Weber Design be refused.

Respectfully submitted,

KELLEY DRYE & WARREN LLP

Attorneys for Opposer

Dated: April 15, 2013
New York, New York

A handwritten signature in dark ink, appearing to read 'A. Calvaruso', is written over a horizontal line.

Andrea L. Calvaruso
Amy O. Gaven
101 Park Avenue
New York, NY 10178
(212) 808-7800

CERTIFICATE OF SERVICE

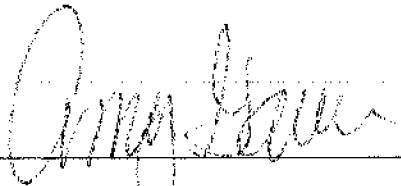
I, Amy Gaven, an attorney associated with Kelley Drye & Warren LLP, attorneys for Opposer Gucci America, Inc., hereby affirm under the penalties of perjury, that on April 15, 2013, I cause a true and correct copy of the foregoing Notice of Opposition to be served via first class mail, postage prepaid, upon Applicant via its domestic representative of record:

Thilo C. Agthe, Esq.

Wuersch & Gering LLP

100 Wall Street, 21st Floor

New York, NY 10005



Amy Gaven